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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional):

2002-017/PU03 0026US1

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Date: **December 19, 2005**

Signature:

Typed or printed name: **SEASON MUNCK**

Application Number:

10/632,317

Filed:

August 1, 2003

First Named Inventor:

Jason M. Cope

Art Unit:

2875

Examiner:

JOHN A. WARD

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒

attorney or agent of record

Registration Number: _____ 53,639 _____

☐

attorney or agent acting under 37 CFR 1.34.

Registration Number if acting under 37 CFR 1.34 _____

Signature

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December 19, 2005

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

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*Total of _____ form(s) is/are submitted.

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Cope

Serial No.: **10/632,317**
Filed: August 1, 2003

For: **Vehicle Charger/Flashlight**

Docket No: **2002-017/ PU03 0026US1**

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) **PATENT PENDING**

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) **Examiner: John A. Ward**

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) **Group Art Unit: 2875**

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CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

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19 December 2005

Date


Season E. Munck

ARGUMENTS PRESENTED FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW

The applicant presents the following arguments in support of the Pre-Appeal Brief Request for Review attached herewith. If any fees not covered by the enclosed check are required, please charge them to Deposit Account No. 18-1167.

In the Final Office Action mailed 21 September 2005, and in the Advisory Action mailed 7 December 2005, the examiner maintained all rejections against claims 1 – 21. In particular, the examiner asserts Asano (US4241385) anticipates independent claim 1, Posses (US5903135) anticipates independent claim 16, and Eisenbraun (US6551142) anticipates independent claims 1, 8, and 16. However, as detailed below, none of these references teach or suggest the claimed invention, and all rejections fail as a matter of law.

Independent claim 1 claims a method of providing illumination while connecting a vehicle charger to a mobile device, where the method includes mounting a light source on a first plug, wherein the first plug is adapted to connect to the mobile device. As well understood in the art, a mobile device comprises a portable electronic device, such as a cellular telephone, portable music player, etc. Contrary to the examiner's assertions, neither Asano nor Eisenbraun teach a vehicle charger having a light source mounted on mobile device plug.

Asano does not teach or suggest the method of independent claim 1. As shown in Figure 1, Asano describes a flashlight 10 connected by a cable 14 to a plug 23, where plug 23 is adapted to connect to a cigarette lighter in a vehicle. In the Advisory Action, the examiner asserts the flashlight 10 corresponds to the claimed mobile device and the vehicle corresponds to the claimed vehicle charger (pg. 2, 2nd paragraph). However, while Asano's flashlight is connected to plug 23, nothing in Asano teaches, suggests, or illustrates mounting a light source on plug 23. Further, the device described by Asano does not include any type of mobile device plug or any type of flashlight plug. Instead, Asano only describes a vehicle plug 23, where vehicle plug 23 does not have a light source mounted thereon. For at least these reasons, Asano does not anticipate independent claim 1.

Eisenbraun also does not anticipate independent claim 1. As shown in Figure 1, Eisenbraun describes a vehicle charger for a mobile device having a mobile device plug 20 and a vehicle plug 10. Vehicle plug 10, which is adapted to connect to a cigarette lighter socket in a vehicle, includes two light indicators – light source 88 and light source 90. Light source 88 illuminates when electrical power is supplied to cable 18 (col. 4, ll. 17 – 20), and light source 90 illuminates when plug 10 makes electrical contact with the cigarette lighter socket (col. 4, ll. 21 – 25). Therefore, Eisenbraun describes plug 10 as a vehicle plug and plug 20 as a mobile device plug (col. 3, ll. 11 – 18 and col. 4, ll. 9 – 16), and describes that light sources 88, 90 are only mounted on the vehicle plug 10, and not the mobile device plug 20 (see Figure 1 and col. 3, ll.

17 – 24). Because Eisenbraun does not teach mounting a light source on a mobile device plug, as required by independent claim 1, Eisenbraun does not anticipate independent claim 1. (The applicant further notes that both of Eisenbraun's lights are intended as, and function as, indicators, rather than as sources of illumination).

The applicant notes that for the rejections in view of Eisenbraun, the examiner interprets the mobile device identified in claim 1 to correspond to two different terms, with "mobile" corresponding to Eisenbraun's vehicle and "lighter" corresponding to a device (see paragraph 4 on pg. 2 of the Advisory Action). This odd wording indicates the logical stretch made by the examiner in formulating an unsupportable anticipation rejection using Eisenbraun. Further, the examiner's interpretation is inconsistent with the instant application and cannot be maintained.

Eisenbraun also does not anticipate independent claim 8, which claims a first plug adapted to connect to a mobile device and a light source disposed on the first plug to provide illumination while connecting the first plug to the mobile device. As discussed above, Eisenbraun does not describe a light source mounted on a mobile device plug. Further, as noted above, the light sources 88, 90 described in Eisenbraun represent indicator lights that indicate when electrical connections are made, and therefore, do not provide illumination for connecting a mobile device plug to a mobile device, as required by independent claim 8. As such, Eisenbraun does not anticipate independent claim 8.

Independent claim 16 claims first and second plugs disposed on opposite ends of a cable. The first plug is adapted to connect to a mobile device and includes an outer housing that includes a light source for illuminating a mobile device while connecting the first plug to the mobile device (see plug 110 and light 114 in Figures 1 and 2A – 2D of the instant application). Contrary to the examiner's assertions, neither Eisenbraun nor Posses teach or suggest these limitations.

As discussed above, Eisenbraun describes a vehicle charger for a mobile device having first and second plugs 10, 20 mounted on opposite ends of a cable 18. However, only the vehicle plug 10 includes a light source 88, 90; mobile plug 20 does not include any kind of light source. Further, light sources 88, 90 described by Eisenbraun do not provide illumination when connecting the mobile device plug to the mobile device, as required by independent claim 16. As such, Eisenbraun does not anticipate independent claim 16.

Posses also does not anticipate independent claim 16. As shown in figure 1, Posses describes a vehicle charger for a mobile device having a vehicle plug 3 and a mobile device terminal 4 disposed on opposite ends of a cable. Terminal 4 is adapted to connect to a mobile device and plug 3 is adapted to connect to a cigarette lighter socket. However, mobile device terminal 4 does not include any type of light source, as required by independent claim 16. On page 2 of the Advisory Action, the examiner erroneously asserts that Posses' terminal 4 is actually an outer housing, and that "Posses has a first plug that is connected to a outer housing 4 that has a light source 7" (3rd paragraph, page 2). This description of Posses is wholly inconsistent with the plain language and clear illustrations of Posses. Col. 3, ll. 44 – 48 of Posses describes item 4 as a terminal for connection to a cellular telephone. Further, Posses teaches that terminal 4 connects, via a cable, to a battery recharging device 1 that includes a power indicator light 7 (col. 3, ll. 49 – 53). See Figure 1 of Posses for a clear illustration of a terminal 4 connected by a cable to a charging device 1. As such, the light source 7 described by Posses is not mounted on a mobile device plug and does not illuminate the mobile device when the mobile device plug is connected to the mobile device, as required by claim 16. For these reasons, Posses does not anticipate independent claim 16.

In light of the above remarks, independent claims 1, 8, and 16 are not anticipated by Asano, Eisenbraun, or Posses. As such, claims 1 – 21 are patentably distinct from the cited art. The applicant requests that the Pre-Appeal Brief Panel reverse the examiner's rejections.

Respectfully submitted,

COATS & BENNETT, P.L.L.C.

A handwritten signature in black ink, appearing to read "Jennifer K. Stewart", written over a horizontal line.

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Dated: 19 December 2005

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